

**CHAPTER 31 FORECLOSURE SALE OF REAL PROPERTY**Sec.  
3100

Notice

**3100 NOTICE**

- 3100.1 The holder of a note secured by a deed of trust, mortgage, or other security instrument (hereinafter, "holder"), or the agent of any such holder, shall at least thirty (30) days in advance of any sale of the real property encumbered by the deed of trust, mortgage, or security instrument under a power of sale provision contained therein, send to the owner of the real property, by certified mail, return receipt requested, a notice of the foreclosure sale on a form to be provided by the Mayor of the District of Columbia and to be available in the Office of the Recorder of Deeds.
- 3100.2 The form of the notice of a foreclosure sale of real property shall provide for furnishing at least the following information concerning the sale:
- (a) The name and address of the owner of record of the property, and his or her telephone number, if known;
  - (b) The identification of the property;
  - (c) The lot and square number or the parcel number of the property;
  - (d) The liber number and folio number of the volume in the Office of the Recorder of Deeds in which the security instrument is recorded and the date of such recordation;
  - (e) The name and last known address of the maker of the note secured by the security instrument, and his or her telephone number, if known;
  - (f) The name and address of the holder of the note and his or her telephone number of person to call if owner wishes to stop foreclosure; and
  - (g) Provision for a certification by the note holder or his or her agent that the original of the notice has been sent to the property owner by certified mail, return receipt requested, and that the note holder understands that no foreclosure sale may take place until at least thirty (30) days after a copy of the notice has been received by the Recorder of Deeds, D.C.

- 3100.3 The holder of his or her agent shall, at least thirty (30) days in advance of any such sale, also send to the Recorder of Deeds two (2) copies of the notice of foreclosure sale given to the owner of the real property affected by the sale.
- 3100.4 The Recorder of Deeds shall, upon receipt of the copies of the notice of foreclosure sale, indicate receipt of the notice on one (1) of the copies and return that copy to the holder or his or her agent. The fee for receiving and filing the notice, and acknowledging its receipt, shall be an amount as may from time to time be fixed by the Mayor.
- 3100.5 Upon receipt of a copy of a notice of foreclosure sale, the Recorder of Deeds shall, if he or she deems it advisable, make a reasonable effort to ascertain from the owner of the property affected by the sale, or the agent of the owner, whether the owner has knowledge of the intended sale and the existence of the deed of trust, mortgage, or other security instrument containing the power of sale provision under the authority of which the property is to be sold.
- 3100.6 In the event the Recorder of Deeds determines that the owner of the real property affected by the proposed foreclosure sale has not been informed concerning it, does not know of the existence of the deed or trust, mortgage, or other security instrument under which the foreclosure sale is to take place, or has a defense against the holder which would preclude him or her from foreclosing on the property, the Recorder of Deeds shall advise the owner or his or her agent to seek legal assistance to resist the proposed sale.
- 3100.7 Nothing contained in this chapter shall be deemed to authorize or require the Recorder of Deeds to counsel the owner of real property affected by a proposed foreclosure sale concerning the legal or other action to be taken by him or her, other than to advise the owner to seek legal assistance, if the circumstances of the case indicate such action should be taken by the owner.
- 3100.8 The Recorder of Deeds is authorized to redelegate any of the functions required by this chapter to be performed.
- 3100.9 No person shall knowingly include any false information in a notice of a foreclosure sale of real property, nor shall any person falsely certify that the original of any such notice was sent to the owner of the real property affected by the notice.
- 3100.10 Any person violating §3100.9 upon conviction shall be punished by a fine of not more than three hundred dollars (\$300), or imprisonment of not more than ten (10) days or both.

AUTHORITY: Unless otherwise noted, the authority for this chapter is §539 of the Act of March 3, 1901, as amended by the Act approved October 12, 1968 (P.L. 90-566), D.C. Code §45-715 (1981 Ed.).

SOURCE: Regulation No. 68-25 approved November 1, 1968.